

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5524 of 1986

Date of decision: 16-10-1996

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

OIL AND NATURAL GAS COMMISSION

Versus

S.R. HARSHE

Appearance:

MS Kalpana Brahmbhatt for Petitioners
None present for the respondents.

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 16/10/96

ORAL JUDGEMENT

Heard the learned counsel for the petitioner and perused the papers of special civil application.

The petitioners have challenged order dated 1-8-1984 made by the Civil Judge(S.D.), Vadodara, below

Exh.5 in Regular Civil Suit No.1191 of 198. The respondents have filed the suit against the petitioners for a declaration that they were eligible to be considered for promotion to the post of Assistant Executive Engineer (Civil) on 12-5-1980 and the recruitment made by the petitioners on 12-5-1980 appointing directly the other defendants in the suit as Assistant Executive Engineer (Civil) was illegal, void, arbitrary and contrary to the rules and established policy of the Commission. Further prayer has also been made for declaration that the meeting of D.P.C. held on 25-7-1984 and the decision taken by the Committee for considering the case of the other private defendants for promotion to the post of Executive Engineer (Civil) was illegal, unauthorised and arbitrary. They filed application Exh.5 for interim injunction restraining the petitioners from implementing the decision taken by D.P.C. in the meeting held on 25-7-1984 and from promoting other defendants in the suit as Executive Engineer(Civil). The trial court granted ad interim injunction in terms of para 5(i) and (ii) of the application upto 17th August, 1984. This injunction was extended from time to time. The petitioners filed reply on 20th April, 1984 to the application Exh.5 and prayed for vacating the ad-interim relief by passing orders as passed by this court in special civil application No.6186 of 1983. In special civil application No.6186 of 1983 this court passed the following order:

"no interim relief subject to the clarification that the further promotion to the post of Executive Engineer (Civil) to the direct recruits would be purely on ad hoc basis and subject to the result of petition".

2. Grievance of the petitioners here is about the order passed on application Exh.5. The counsel for the petitioners is unable to state what ultimately has resulted in the application Exh.5 as well as the suit filed by the respondents. This court has not granted any interim relief in this special civil application. Possibility is that by now the suit would have been disposed of or at least the trial court would have passed appropriate order below Exh.5 after hearing the petitioners. In view of this fact nothing in substance survives in this special civil application at this stage. The writ petition stands disposed of in terms that in case the trial court has not passed final order below Exh.5 after hearing the petitioners, then necessary orders may be passed in accordance with law within reasonable time of receipt of certified copy of this order. Rule discharged.

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CSM